

### **REMARKS**

This Amendment is responsive to the Office Action identified above, and in any other manner indicated below.

### **PENDING CLAIMS**

Claims 12-18 and 20-34 were pending, under consideration and subject to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 12-18 and 20-41 will be pending for further consideration and examination in this RCE application.

### **REJECTION UNDER 35 USC §103**

The 35 USC §103 rejection of Claims 12-18 and 20-34 as being unpatentable over Lawler *et al.* (U.S. Patent 5,585,838) in view of Alten *et al.* (U.S. Patent 5,781,246), made in the final Action mailed 7 October 2003, is respectfully traversed. Such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims in the present RCE case.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by

reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Applicant's disclosed and claimed invention is directed to complex grid-type menu arrangements attempting to provide extensive/comprehensive menu information (with respect to a range of channels/times, and for individual programs of interest) on a single menu-type display screen, so as to allow any user to gain comprehensive information without having to jump back and forth between differing screens. Applicant's disclosed and claimed invention (see Applicant's FIG. 9 example embodiment) includes a basic grid-type layout of channels 501, a time range 502, and a plurality of programs 503.

Due to the limited space on the display screen, ones of the programs may be listed with truncated descriptive text (503n-1) and/or a truncated background block (503n/506) which otherwise would extend outside of the displayed time range shown on the screen. The truncated time block especially indicates truncation by having a modified block end (506), which is a convenient indication to a viewer that the program associated with that block ends at a time outside of the time range presently displayed by the grid. Accordingly, ones of the programs listed within the grid may include incomplete information.

In order to provide more comprehensive information on the same display screen, Applicant's disclosed and claimed invention embraces the penalty of complexity of the screen/design, and further includes additional information areas providing additional information for any program selected within the basic grid, and especially ones having truncated text or a truncated time block. More particularly,

one area (504) displays more comprehensive text for any program block selected within the grid. Similarly, another area (601) displays more comprehensive start/end times for any program block selected within the grid. Using FIG. 9's grid block 503<sub>2</sub> as an example, the more comprehensive text is shown in area 504, and the "20:00~22:00" start/end times are shown in the area 601.

It is respectfully submitted that, at minimum, the inclusion of a secondary start/end time area together with the basic grid patentably distinguishes Applicant's disclosed and claimed invention from the applied art.

In terms of claim language, independent Claim 12, for example, contains the features/limitations of: a digital broadcasting receiver which displays at least one of video or character information of programs, comprising: a menu-grid display controller to display a menu of at least present and future programs for a plurality of channels in a grid; an omission display controller which omits a part of a character information of a particular future program when a number of characters in the character information of the particular future program is larger than a number of characters which can be displayed in a first prescribed zone indicative of a prescribed time period of the grid, at least when the particular future program exceeds the prescribed time period of the first prescribed zone of the grid; and a full display controller which displays, in response to a predetermined selection of a selected particular future program, an entirety of the character information of the selected particular future program, and a program start time and a program end time of the selected particular future program in a second prescribed zone displayed together with the grid at least when the particular future program exceeds the

prescribed time period of the first prescribed zone in the grid. Other ones of Applicant's claims contain similar ones of the highlighted features/limitations.

In order to properly support a §103 obviousness-type rejection, the references not only must suggest the claimed features, but also must contain the motivation for modifying the art to arrive at an approximation of the claimed features. More particularly, Courts have held that an Examiner cannot make substitutions at will to references in a hindsight attempt to arrive at Applicant's invention. Further, the Federal Circuit has stated, "[t]he mere fact that the prior art may be modified in a manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 n.14 (Fed. Cir. 1992), citing *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). As will be shown in the following, the applied references, at minimum, do not suggest the required modification to arrive at Applicant's disclosed and claimed invention.

Beginning rebuttal, Lawler *et al.* previously was shown to be deficient. More particularly, with respect to Lawler *et al.* '838, at minimum, such reference does not display a program start time and a program end time of the particular program in a second prescribed zone. Thus, even if a user were to select the display block of a program having a time period which extended outside of a presently display time range, the user still would be completely uninformed as to a start time and end time of the program. Thus, the user would not be able to make an informed decision as to whether the selected program fit within his/her time budget/availability.

That is, the time shown by 106 in FIG. 3 of Lawler *et al.* is the current time, not a program start time or program end time. The program start time and program end

time in Lawler *et al.* are merely displayed by grid columns 92 shown in FIG. 3. Thus, the user cannot be informed of program start time and/or program end time extending beyond the column being displayed from the column arrangement of Lawler *et al.*

Turning next to Alten *et al.*, it is important to note for purposes of the present discussion that Alten *et al.* discloses at least two differing types of electronic guide displays. More particularly, FIGs. 18, 43A and 43B of Alten *et al.* show grid-type menu displays, while in contrast, FIGs. 11 and 12 show "browse" displays. The browse display of Alten *et al.* displays a currently playing program on a majority of the screen (see outline of two human figures), and a single program information block 111 overlapping in a foreground of the display. The "browse" displays in FIGs. 11 and 12 of Alten *et al.* DO show program start/end times, whereas the grid displays in FIGs. 18, 43 and 43B of Alten *et al.* DO NOT. The disclosure of Alten *et al.* (e.g., Column 1, lines 33-45; Column 3, lines 27-40; etc.) teaches that many electronic guide displays/systems are too complex, and hence, Alten *et al.* teaches preference toward more simplistic/uncomplex electronic guide displays (e.g., the "browse" displays of FIGs 11 and 12 in Alten *et al.*).

Turning now to analysis of combination of teaching of such references, it is respectfully submitted that the Lawler *et al.* and Alten *et al.* teachings themselves would NOT have suggested combination in such a manner so as to arrive at Applicant's disclosed and claimed grid-type menu arrangements. More specifically, in view of Alten *et al.*'s strong drive away from menu complexity and toward increased menu simplicity, it is respectfully submitted that Alten *et al.* would in fact DISCOURAGE combination with Lawler *et al.*, since Lawler *et al.* teaches a more

complex menu. Furthermore, even if there were suggestion to combine, at best, ONLY A SIMPLE SUBSTITUTION of the grid-type display of Lawler *et al.* for the grid-type displays shown in FIGs. 18, 43A and 43B of Alten *et al.* would be suggested.

That is, Alten *et al.* would still discourage additional combination of program start/end times into the grid-type display arrangement, because again, such addition would mean increased complexity.

It is respectfully submitted that the fact that Alten *et al.*'s disclosure contained program start/end times and also contained grid-type menu displays, yet failed to combine the two and in fact, discouraged doing so, is strong evidence that the applied art would not have suggested combination to arrive at Applicant's disclosed and claimed invention.

Further, the following are comments from Applicant's foreign representative submitted in support of the patentability of the pending claims.

A feature of Applicant's invention resides in that, even when the particular future program exceeds the prescribed time period of the first prescribed zone in the grid, both the program start time and end time are displayable. The cited references all fail to suggest such a situation.

Applicant respectfully points out that, especially FIG. 3 of Lawler *et al.*, and FIGs. 18, 43A and 43B of Alten *et al.*, fail to show the above-mentioned feature.

In other words, the cited references fail to suggest such a case, that the start time and end time of a future program (not being currently broadcast) are not all displayable in the "grid" of the program chart.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support either a

§102 anticipation-type rejection or a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §103 rejection, and express written allowance of all of the §103 rejected claims, are respectfully requested.

#### **EXTENSIVE PROSECUTION NOTED**

Applicant and the undersigned respectfully note the extensive prosecution which has been conducted to date with the present application, and thus Applicant and the undersigned would gratefully appreciate any considerations or guidance from the Examiner to help move the present application quickly to allowance. It is respectfully noted that the present application was filed in 1999, and has had 5+ Office Actions already.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600, to discuss an Examiner's Amendments or other suggested action for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any


objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims presently under consideration in the application are now in condition for allowance, and early allowance of such claims is respectfully requested.

Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. Submitted concurrently herewith is a Form PTO-2038 including authorization for payment of the requisite Petition fee (Code 1251). Please charge any shortage in the fees due in connection with the filing of this paper to ATS&K Deposit Account No. 01-2135 (referencing Case No. 500.35360CX1).

Respectfully submitted,



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Concurrent Submissions:

RCE Transmittal

IDS/Form PTO-1449/References

Form PTO-2038 (Fee Codes 1801/1201/1202/1251)